agreements but national policy. If a war with the United States should break out, however, the Philippines would be an easy prey to Japan. A review of Japanese foreign relations in detail and a discussion of the assimilability of the Japanese conclude the book.

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Gray, J. C. *The Nature and Sources of the Law.* Pp. xii, 332. Price, $1.50. New York: Columbia University Press, 1909.

Professor Gray classifies himself with those "who are considering not what fancies may be dreamed in order to tabulate the facts in accordance with some preconceived system," but who seek to discover "what the facts really were and are." And here his professed task is to call attention "to the analysis and relations of some fundamental legal ideas rather than to tell their history or prophesy their future development."

The Austinian theory of law as the command of a sovereign is rejected. The author knows no sovereign. The state is a useful personified abstraction invented to give title to the acts of the ruling persons who are the actual sources of authority. It is, however, needless to invent another abstraction to which to attribute a fictitious command. Law first arises when the judicial authority of a political community lays down a rule in deciding controversies. On any given point there is no law until the court declares it. Custom is not law, because custom is practice, and law is opinion. Statutes are not law, for they are not self-interpreting. "Their meaning is declared by the courts, and it is with that meaning as declared by the courts and with no other meaning that they are imposed upon the community as law." A judicial decision is at the same time a law and an important though not controlling source of other laws. Though in fact a court is free to make a law for each particular case as it sees fit, custom, legislation, precedent and the opinion of experts are given legal recognition by the courts as sources of future decision. Each rule declared by the court is *a* law. *The* law is the body of rules so declared. Yet how this congeries of particulars become fused into a conceptional unity is not made manifest.

Professor Gray has no relish for fictions or abstractions. He seems drawn into much of his discussion reluctantly, impelled solely by a desire to clear away the dust raised by his predecessors. And the merits of his work as a contribution to the philosophy of law will be found mainly in his destructive criticism of the speculations of others. His own comment is suggestive. "Especially valuable is the negative side of analytical study. On the constructive side it may be unfruitful, but there is no better method for the puncture of wind-bags." Such a puncturing he gives us in language always refreshing and with a logic that never trips.

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